

Remarks

1. Status of Claims

Claims 1-46 are pending in the case.

2. Claims 1-14 are not anticipated by Piccini *et al.*

The Examiner has rejected claims 1-46 as anticipated by Piccini *et al.* (U.S. Pat. No. 6,548,136. The Examiner argues that Piccini *et al.* teach wet wipe compositions useful for cleansing, disinfecting and providing a pleasant scent. Applicants respectfully assert that Piccini *et al.* does not disclose all of the recited claim limitations and therefore does not anticipate the claims under 35 U.S.C. §102.

Claim 1 requires a composition comprising “a polymeric odor-mitigating reagent having one or more functional groups selected from the group consisting of a Lewis Acid, a Lewis Base, an oxidizing agent, a hydro-sulfur labile compound or a reducing agent wherein the polymeric reagent is substantially non-leaching.” The specification further recites that polymeric odor-mitigating reagents are compounds having a molecular weight higher than about 400.

The Examiner has indicated that Piccini *et al.* teach wipes impregnated with a liquid composition, which in turn comprises bleach, such as alkali metal dichloroisocyanurates. Sodium dichloroisocyanurate, for example, has a molecular weight of 219.95. Alkali metal hypochlorite bleaches are also disclosed by Piccini *et al.* Sodium hypochlorite, for example, has a molecular weight of 74.44. Therefore the Examiner has not demonstrated that the bleaches disclosed by Piccini *et al.* are polymeric odor-mitigating reagents according to the present invention. Nor has the Examiner demonstrated that Piccini *et al.* disclose that the bleaches of these wet-wipe compositions have, or are required to have, the anti-leaching properties required by claim 1 and its dependent claims.

The Examiner has also indicated that Piccini *et al.* teach the use of chelating agents such as aspartic and glutamic acid. Aspartic acid has a molecular weight of 133.11. Glutamic acid has a molecular weight of 147.13. Therefore the Examiner has not demonstrated that the chelating agents have the molecular weight or anti-leaching properties required for a polymeric odor-mitigating reagent of claim 1.

Similar arguments can be raised for the various agents disclosed by Piccini *et al.* used to adjust the pH of the liquid composition, such as alkaline agents, such as alkali metal hydroxides, or acidic agents such as citric acid.

The other compounds recited by the Examiner, ethanol, nonionic surfactants, viscosity modifiers and stabilizers, and thickeners also do not qualify as polymeric odor-mitigating reagents, at least because none of these compounds comprise the required functional groups for a polymeric odor-mitigating reagent of claim 1.

Therefore, Piccini *et al.* fails to anticipate claims 1 through 14. Applicants request that the rejection of the claim 1-14 under 35 U.S.C. §102 be withdrawn.

3. Claims 15-37, and 43-46 are not anticipated by Piccini *et al.*

Claims 15 through 37 recite an odor-mitigating composition comprising an admixture of a polymeric promoter and an odor-mitigating reagent, wherein the odor-mitigating reagent is substantially non-leaching in the presence of the polymeric promoter. “In the context of the present invention, “substantially non-leaching” means that a compound incorporated into a disclosed composition or device remains substantially within the composition or device, when contacted by moisture or liquids in the ordinary course of use.” Applicants respectfully assert that Piccini *et al.* do not disclose all of the recited claim limitations and therefore does not anticipate the claims under 35 U.S.C. §102.

Piccini *et al.* do not disclose the use of compositions wherein the odor-mitigating reagents is substantially non-leaching. Indeed, Piccini *et al.* disclose that it is necessary and desirable for the liquid composition disposed on the sheet to be released from it's substrate material:

“According to the present invention, the substrate material of the wipes is typically impregnated or coated with a liquid composition . . .

The liquid composition can provide a number of different benefits when released. For example, in wet-like cleaning wipes for perianal cleaning the water component is released and thereby provides the cleansing action for these wipes.

In a preferred embodiment of the present invention the liquid composition . . . comprises a disinfecting component comprising an antimicrobial compound, preferably an essential oil or an active thereof, and a bleach, preferably a peroxygen bleach. Disinfecting wipes comprising such a liquid composition provide effective disinfecting performance on a surface while being safe for the surface treated.” (Col. 6, lns. 9-32)

Piccini *et al.* therefore do not disclose the odor-mitigating compositions of claims 15-37 and 43-46. Applicants request that the rejection of the claim 15-37 and 43-46 under 35 U.S.C. §102 be withdrawn.

4. Claims 38-42 are not anticipated by Piccini *et al.*

Claims 38 to 42 require the presence of “a polymer capable of neutralizing hydrochloric acid.” Applicants respectfully assert that Piccini *et al.* do not disclose all of the recited claim limitations and therefore does not anticipate the claims under 35 U.S.C. §102.

As the Examiner has pointed out, Piccini *et al.* disclose the use of soluble chelating agents that include, for example, carboxylate salts. These chelating agents, however, are not polymers. The Examiner has not indicated that any such polymer is disclosed by Piccini *et al.* Applicants request that the rejection of the claim 38-42 under 35 U.S.C. §102 be withdrawn.

5. Claims 2-8, 30-36, 41 and 42 are patentable over Piccini *et al.* under 35 U.S.C. §103

The Examiner has asserted that the claims 2-8, 30-36 and 41 and 42 are prima facie obvious in light of Piccini *et al.* As argued above, Piccini *et al.* fails to teach or suggest all of the claim limitations of the claims in question.

Furthermore, there is no suggestion or motivation to combine the teachings of the Piccini *et al.* reference with the devices claimed in the present invention. The Examiner notes that Piccini *et al.* teach wet wipes for “providing a pleasant scent.” The solutions disclosed by Piccini *et al.* are disclosed to provide a pleasant scent through the use of perfumes (Col. 11, lns. 55-60) and scented essential oils such as those obtained from thyme, citrus, cloves and the like (Col. 6, ln. 58-Col. 7, ln.17.) Such perfumes and scented oils do not react with malodorants to remove them, in whole or in part, from the surrounding environment. Instead they merely mask the odors that are present. Piccini *et al.* do not recognize or suggest that malodorants can be removed from the environment using the compositions of the present invention. Those reagents that do have odor-mitigating qualities (such as bleach or citric acid) are provided for the purposes other than odor control. Therefore there would be no motivation to combine the liquid compositions of Piccini *et al.* with other types of devices such as diapers, shoe liners, wound dressings, sanitary pads, face masks, hair caps and the like.

6. Conclusion

Applicant submits that the current response addresses all of the Examiner’s concerns and places the claims in condition for allowance. An early indication to that effect is solicited. If the Examiner has any questions or any suggestions that will help the application more quickly proceed to allowance, a telephone call to the undersigned at (512) 542-8441 is welcomed.

No fees are believed to be due with the filing of this paper, however, should any fees be deemed to be due, the Commissioner is authorized to deduct the fees from Vinson & Elkins, LLP Deposit Account No. 22-0365/SLP100/55000/4-5US.

Respectfully submitted,

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